

NORTHERN CALIFORNIA

TELEPHONE (415) 951-0535
FACSIMILE (415) 391-7808
WWW.KELHER.COM

KELLY, HERLIHY & KLEIN LLP

ATTORNEYS AT LAW
44 MONTGOMERY STREET
SUITE 2500
SAN FRANCISCO, CALIFORNIA 94104-4602

SOUTHERN CALIFORNIA

11500 OLYMPIC BLVD., SUITE 400
LOS ANGELES, CA 90064-1528
TELEPHONE (310) 312-4535
FACSIMILE (310) 312-4551

JOHN C. FERRY

December 140, 2007

Via E-Mail

James F. Kemp, Esq.
Martin Fred Andreas, Esq.
428 First Street East
P.O. Box 176
Sonoma, CA 95476
jkemp@vom.com

Linda B. Oliver, Esq.
Eugenia S. Chern, Esq.
Jessica M. Perry, Esq.
Reed Smith, LLP
1999 Harrison Street, Suite 2400
Oakland, CA 946121
loliver@reedsmith.com

Re: Tuttle v. Chase Insurance Life & Annuity Co., et al
USDC Case No. 07-03637 SI

Dear Counsel:

This will confirm that we reserved three possible dates for the mediation in this case, pending client confirmation. Those dates are January 22, 23 and 24, 2008. We will meet at my offices at 44 Montgomery Street, Suite 2500, San Francisco, California, beginning at 10:00 a.m. We agreed to keep the whole day available to allow the mediation to continue as long as it is being productive.

Please make sure that the written statements described in ADR L.R. 6-7 are exchanged and in my office by Friday, January 18, 2008. Please include any key documents you feel I should read. If you think it would be helpful to our mediation, I also invite you to submit to me – but not exchange – confidential statements relating, for example, to obstacles to or options for settlement.

Also, please remember to arrange for your clients' attendance. As we discussed, both Mr. and Mrs. Tuttle will appear as plaintiff's representative and Richard Liederman will appear as defendant's representative. Defendant will seek leave from Judge Brazil to permit its representative to appear telephonically.

Please prepare for the mediation by discussing each of the following items with your

KELLY, HERLIHY & KLEIN LLP

James F. Kemp, Esq.

Linda B. Oliver, Esq.

Re: *Tuttle v. Chase Insurance*

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clients:

- ▶ clients' interests, not just positions, and how these interests could be met;
- ▶ other side's interests, and how these could be met;
- ▶ best and worst alternatives to a negotiated settlement;
- ▶ strengths and weaknesses of case; and
- ▶ estimated budget to litigate the case through trial.

As we discussed, under ADR L.R. 6-3(b) I will donate my preparation time and the first four hours of the mediation. If the case has not resolved and you all agree to continue, I will charge the court-set rate of \$200 per hour for the next four hours. After eight hours of session time, I will charge my hourly rate of \$350.00.

I look forward to working with you to resolve this case.

Sincerely yours,

John C. Ferry

cc: Clerk's Office-ADR Unit, via email